Nova Scotia

ANNUAL REPORT

for the fiscal year
April 1, 1988 to March 31, 1989

Criminal Injuries Compensation Board

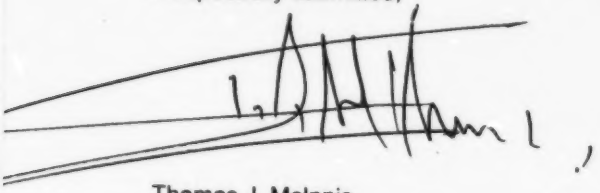
90-03296/

To His Honour
The Honourable Lloyd R.Crouse, P.C.
Lieutenant-Governor of Nova Scotia

May it Please Your Honour:

I have the honour to submit the Annual Report of the Criminal Injuries Compensation Board for the fiscal year April 1, 1988 to March 31, 1989.

Respectfully submitted,



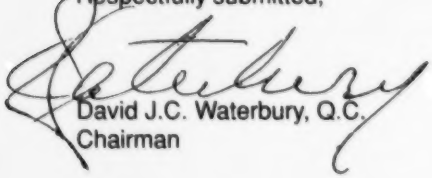
Thomas J. McInnis
Attorney General

The Honourable Thomas J. McInnis
Minister
Department of Attorney General
Post Office Box 7
Halifax, Nova Scotia

Dear Mr. Minister:

I have the honour to submit the Annual Report of the Criminal Injuries Compensation Board for the fiscal year April 1, 1988 to March 31, 1989.

Respectfully submitted,



David J.C. Waterbury, Q.C.
Chairman

INTRODUCTION

For the first time in its history the Board is now reporting on the fiscal year basis, pursuant to an amendment to Compensation of Victims of Crime Act, SNS, 1975, c.8. In conformity with the amendment, and to assist with comparisons, activities of the Board in January, February, and March of 1988 are not recorded in this report.

LEGISLATION

The Board functions under the Compensation for Victims of Crime Act, as set forth above, which came into force in Nova Scotia on the 12th day of May, 1981. By this Act, the Board is required, upon application, to provide compensation to the victim, the person responsible for the maintenance of the victim, or, where the death of the victim has resulted, the victim's dependents, when in the Province of Nova Scotia any person is injured or killed by an act or omission by any other person occurring or resulting from the commission of any of the offences set forth in the Schedule to the Act. Since last reporting the limits have been increased so that the Board may make a lump-sum payment of up to $30,000 or periodic payments of $1,000 each. The Board cannot pay any account for damages that totals less than $250. There is a limitation period of one year, which may be waived in certain circumstances. The Board can concern itself only with offences that took place after the date the Act came into force. Having made payments, the Board is subrogated to all the rights of the person to whom payment is made. The Board is required to consider the conduct of the victim if it in any way contributed directly or indirectly to his or her injury, or if he or she was uncooperative. Injury means bodily harm, mental or nervous shock, pain, and suffering.

PERSONNEL

The Board is served by David J.C. Waterbury, Q.C., as Chairman; C. Benson Auld, M.D., as Vice-Chairman; and Patrick C. Copeland, C.A., as Board Member. The Board serves under the jurisdiction of the Attorney General and is responsible for the administration of Compensation for Victims of Crime Act. Mr. Keith Hall serves the Board as its investigator and Program Administration Officer. Ms. Judy Blois served as secretary and hearing reporter for most hearings of the Board during the year reported herein. The office is located at 1660 Hollis St., Suite 402, Halifax, Nova Scotia B3J 2V9.

COST SHARING

Awards made under the Act are cost shared between the Government of Canada and the Government of Nova Scotia. The contribution by the Government of Canada has been in the amount of 50 per cent of awards (net of any recoveries) to a maximum of 25 cents per capita of the population of Nova Scotia. This matter is the result of new federal enactments increasing the per capita from 10 to 25 cents. The contribution by Government of Canada anticipated for the year under review is in excess of $220,000. The administrative costs to the Board are borne entirely by the Province of Nova Scotia.

PUBLIC AWARENESS

It continues to be the responsibility of the Board to make the public aware of its existence and authority. Large posters and explanatory brochures have been printed and are displayed in hospitals, police stations, and other public institutions.

The various police forces throughout the province have been provided with information, and some have been visited either by the Chairman or by Mr. Hall during the calendar year under review. Although hearings of the Board are generally open to the public, there are exceptions. For example, it would be improper for the Board to admit the public where the person whose act or omission allegedly caused injury has not been charged with a criminal offence or if charged has not been convicted. In other cases, in the opinion of the Board, it may not be in the interest of the victim or the dependants of the victim of an alleged sexual offence to hold the hearings in public; or the Board may determine that it is in the interest of the parties or in the public interest not to hold the hearings in public.

ADMINISTRATION AND ACTIVITY

There has been a marked rise in the number of applications received in the fiscal year 1988/89—from 145 to 226—for an increase of 55 per cent. It will be noted that the number of hearings has increased considerably and that the total funds awarded has increased by 59 per cent from $325,606.59 to $518, 527.57. Other detailed increases will be noted from statistics which follow.

Since the end of the fiscal year herein reported upon, the increase has continued and it is anticipated that the Board will have to find 50 per cent more time for sitting in hearings and a substantial increase in staff.

SUBROGATION

By Section 31(2), the Board is subject to all the rights of the person to whom payment is made under the Act to recover damages by civil proceedings in respect to the injury and may maintain an action in the name of such person.

The amounts so acquired have risen from $5,217.61 in 1987 to $13,334.20 in the fiscal year for which this report is compiled.

GENERAL

The Board has moved from the tenth floor of the Centennial Building to the fourth floor, where it now has its own boardroom. With the increased numbers of hearings this is a valuable space addition.

There are two noteworthy decisions of the Nova Scotia Court of Appeal. In the first, the Board was ordered to consider only the rule of preponderance of evidence in determining whether there had been a crime committed of which the applicant was a victim. In the second, it was decided that the Board should compensate the mother of a murdered victim notwithstanding the fact that the applicant was not present at the time of the offence but learned of it through the media.

The Board continues to cut back or refuse compensation to victims who have not cooperated with the police and particularly those who have failed to report themselves as a victim of a criminal activity or to attend criminal trials or Board hearings. The Board also closely examines conduct of the victim pursuant to Section 25. The Board is not inclined to compensate persons who have been drinking to a considerable extent and may have impaired their faculties, thereby rendering themselves as attractive targets for assault or as being incapable of resisting.

The Board acknowledges the valued contribution of all court officials, police forces,hospitals, doctors, and legal counsel involved in the presentation of the matters for its consideration. The police forces of the province have been particularly cooperative in providing reports that are of great assistance to the Board. Without those reports, costly investigations would be necessary. Reports requested from hospitals and court officials have been promptly received in all instances. Doctors' reports are particularly essential, and the Board acknowledges with appreciation the fact that skilled physicians frequently provide to the Board detailed reports at very reasonable fees. All counsel appearing before the Board seem well acquainted with their clients' affairs and jurisdiction of the Board.

CRIMINAL INJURIES COMPENSATION BOARD

1 April 1988 – 31 March 1989

STATISTICS

	1988	1987
Applications received	226	145
Hearings held	129	119
Section 25 applied	9	22
Dismissed	5	17
Lump-sum awards	109	95
Interim awards	3	1
Supplementary awards	3	3
Blended awards	3	—
Periodic awards	11	2
	Out of 129 hearings	Out of 119 hearings
Female	45	31
Male	84	88
Age under 19	23	19
19-40	85	83
40-65	18	13
over 65	3	4
Lump-sum payments	$439,870.99	$247,388.56
Interim payments	3,700.00	—
Supplementary payments	2,381.58	30,775.00
Blended payments	31,000.00	—
Periodic payments	41,575.00	6,825.00
Total	$518,527.57	$284,988.56
Costs	12,947.99	16,322.55
Recovery	13,334.20	5,217.61

SUMMARY OF DECISIONS

April 1, 1988 to March 31, 1989

8/86-622 A 29-year-old, unemployed female cook was the victim of a crime of arson committed by her husband, who was charged and convicted under Section 238.1 of the Criminal Code and sentenced to eight months' imprisonment. Total award $2,000 (pain and suffering $1,500).

10/86-629 On appeal from an earlier dismissal of the applicant's claim, the Board was ordered to compensate the applicant as a victim of a crime of murder of her husband, even though the assailant was found not guilty at trial. The Board ordered payment of funeral expenses of $2,613 and monthly payments of $500 to the applicant until a further order of the Board.

2/87-682 A 38-year-old, single, unemployed male was assaulted and received fractures to the zygoma and the orbit. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and sentenced to 90 days' imprisonment. Total award $2,275 (pain and suffering $2,200).

4/87-708 A 15-year-old, single, female student was sexually assaulted over a one-and-one-half-year period by a friend and neighbor and received mental and nervous shock. The assailant was charged and convicted under Section 246.1(1)(a) of the Criminal Code and sentenced to three years' imprisonment. Total award $10,000 (pain and suffering $10,000).

4/87-709 A 23-year-old, single, male student was assaulted and received facial and dental injuries. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and sentenced to 20 days' imprisonment. Total award $1,000 (pain and suffering $1,300).

5/87-715 On an appeal from its order dismissing an application, the Board was ordered to compensate as a victim of crime the mother of a murder victim. The assailants were charged and convicted and received terms of imprisonment. There was a claim for lost wages. Total award $15,000 (pain and suffering $10,156).

5/87-718 The applicant is the grandmother and guardian of a victim who was the victim of a crime of murder for which the assailant was charged and convicted and sentenced to imprisonment. The Board ordered payment of the funeral expenses of $4,282.

5/87-722 A 27-year-old, single, male welder and truck driver was assaulted and received a closed head injury. His assailant was charged and convicted under Section 245.2(2) of the Criminal Code and sentenced to 12 months' imprisonment. There was a claim for lost wages. Total award $7,540 (pain and suffering $3,500).

5/87-727 A 28-year-old, single, male student and part-time waiter was assaulted and received an undisplaced fracture of the nose and fractures of two ribs. His assailant was charged and convicted under Section 245 of the Criminal Code and sentenced to three months' imprisonment. There was a claim for lost wages. Total award $2,000 (pain and suffering $650).

6/87-735 An 82-year-old, married, male self-employed businessman was assaulted at his place of business and robbed. He suffered fractures of the nasal bones and zygoma and antrum. The assailants were never identified. There was a claim for broken dentures and eyeglasses. Total award $5,568 (pain and suffering $5,000).

6/87-738 A 32-year-old, married, male carpenter was assaulted and received facial injuries and broken teeth. There was no claim for lost wages. The assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and placed on probation for two years and ordered to pay restitution. Total award $1,470 (pain and suffering $300).

7/87-739 A 29-year-old, single, male systems analyst and real estate entrepreneur was assaulted and received facial lacerations and abrasions. The assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and fined $510 and ordered to pay restitution of $900. There was a claim for lost wages. Total award $1,100 (pain and suffering $700).

7/87-745 A 41-year-old, single, male construction laborer was assaulted and received an undisplaced mid-shaft fracture of the left ulna. His assailant was charged and convicted under Section 245.1(1) of the Criminal Code and fined $353. There was a claim for lost wages. The Board reduced the award by 25 per cent due to the actions and character and way of life of the victim. Total award $6,375 (pain and suffering $2,625).

8/87-746 An 18-year-old, single, male student was assaulted and received facial injuries and broken teeth. The assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and placed on probation. Total award $2,830 (pain and suffering $2,000).

8/87-754 A 21-year-old, single, male insurance salesman was assaulted and received facial injuries and a ruptured globe and a loss of vision in one

eye. He has residual scarring. There was a claim for lost wages. His assailant was charged and convicted under Section 245.2 of the Criminal Code and sentenced to six months' imprisonment. Total award $15,000 (pain and suffering $5,000).

9/87-759 A 20-year-old, single, male employed laborer was assaulted by unknown persons and received a serious eye injury. Pending determination of the full extent of the injury the Board ordered an interim payment of $1,000 for pain and suffering.

9/87-762 A 29-year-old, married, male drapery installer was assaulted and received facial and head lacerations and has residual scarring. The assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and sentenced to 60 days' imprisonment. There was no claim for lost wages. Total award $1,560 (pain and suffering $1,400).

10/87-774 A 20-year-old, single, male student was assaulted and received facial and dental injuries. His assailant was charged and convicted under Section 245 of the Criminal Code and given a conditional discharge with probation. Total award $1,480 (pain and suffering $760).

10/87-776 A 24-year-old, single, male dishwasher was assaulted and received a dislocated fifth metacarpal phalangial joint of the left hand with other undisplaced fractures of the fourth and fifth metacarpal. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and placed on suspended sentence with probation. There was no claim for lost wages. Total award $1,590 (pain and suffering $1,500).

11/87-780 A 7-year-old, male student was assaulted by his sitter and received multiple bruises to his body with loss of consciousness. He subsequently suffered from mental and nervous shock. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and sentenced to three months' imprisonment. There was a claim for lost wages and other expenses incurred by the parents for necessary care. Total award $2,400 (pain and suffering $2,000).

11/87-784 A 29-year-old, single, male taxi driver and sometime fisherman was assaulted, receiving facial bruises and abrasions and upper body bruising, and was threatened with death. Two assailants were subsequently convicted under Sections 303 and 247(2) of the Criminal Code and sentenced to three years in one case and a suspended sentence for damage to property in the other case. There was a claim for lost wages. Total award $2,580 (pain and suffering $2,400).

11/87-790 A 26-year-old, single, female store clerk and part-time prostitute was assaulted and received abrasions to her extremities and a stab wound to the abdomen as well as mental and nervous shock. The Board ordered monthly payments of $100 on an interim basis pending the resolution of the criminal trial and the victim's recovery.

11/87-792 A 17-year-old, single, male student was assaulted and received facial lacerations and abrasions and two fractures to his jaw. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and sentenced to one years' probation. The Board invoked Section 25 of the Act and reduced the award by one-third having regard to the contributory actions of the victim. Total award $1,662.67 (pain and suffering $1,600).

12/87-794 A 32-year-old, divorced, female suffered mental and nervous shock due to the sexual assaults against her three male children, aged 14, 13, and 9. The assailant was subsequently charged and convicted under Section 246.1(1)(a) of the Criminal Code in respect to the two older boys, and sentenced to six months' imprisonment. Total award $3,938.20 (pain and suffering $3,000).

12/87-795 A 60-year-old, married, male was assaulted and received lacerations and abrasions to his face and hand accompanied by mental trauma. His assailant was charged and convicted under Section 245(b) of the Criminal Code and was fined $100. Total award $500 (pain and suffering $400).

12/87-796 A 36-year-old, divorced, male bartender and stevedore was assaulted and received facial abrasions and lacerations and injuries to the fingers on his left hand. Three assailants were charged under Section 245.1(1)(b) of the Criminal Code and found guilty under Section 245(b) and fined $200 each. Total award $810 (pain and suffering $750).

12/87-800 A 25-year-old, single, male chemist was assaulted and received a fractured skull and fracture of the nose. His assailant was charged and convicted under Section 245.2 of the Criminal Code, and was sentenced to 12 months' imprisonment. Total award $2,056 (pain and suffering $2,000).

12/87-801 A 28-year-old, single, unemployed male was assaulted and received abrasions and lacerations to this face and legs. His assailant was charged and convicted under Section 245.1(1)(a) of the Criminal Code and was sentenced to two years' imprisonment. Total award $2,755 (pain and suffering $2,500).

12/87-802 A 42-year-old, divorced, unemployed female was assaulted and received lacerations and abrasions to her face, two fractured teeth, and a fractured leg. Her assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and placed on probation for two years. Total award $4,494.99 (pain and suffering $2,750).

1/88-804 A 24-year-old, single, male laborer was assaulted and received a comminuted fracture of the right maxilla and zygoma, with a fracture through to the floor of the orbit. The assailant was never identified. The Board invoked Section 25 of the Act and reduced the award by 25 per cent due to the contributory actions of the victim. There was a claim for lost wages. Total award $1,923.75 (pain and suffering $1,500).

1/88-810 A 64-year-old, married, male store owner and operator was assaulted in his store and received abrasions to his right elbow, left knee, groin, and rib cage. His assailant was charged and convicted under Section 302(a) of the Criminal Code and sentenced to imprisonment for four years. There was a claim for lost wages. Total award $1,650 (pain and suffering $750).

1/88-811 A 40-year-old, single, unemployed male was assaulted and received multiple fractures of the lower jaw with displacement. His assailants were never identified. Total award $2,475 (pain and suffering $2,400).

1/88-812 A 54-year-old, married female, employed as a counsellor, was assaulted by a client and suffered mental trauma. Her assailant was charged and convicted under Section 246.1(1)(b) of the Criminal Code and sentenced to 10 days' imprisonment. There was a claim for lost wages. Total award $7,600 (pain and suffering $3,500).

2/88-815 A 15-year-old, female student was sexually assaulted by her grandfather and suffered mental trauma. Her assailant was charged and convicted under Section 246.1(1)(a) of the Criminal Code and placed on probation for two years. Total award $3,000 (pain and suffering $3,000).

2/88-818 A 39-year-old, single, male postal worker was assaulted and received a dislocated shoulder accompanied by mental trauma. His assailant was charged and convicted under Section 245 of the Criminal Code and fined $500. There was no claim for lost wages. Total award $1,000 (pain and suffering $1,000).

2/88-819 A 29-year-old, single, female registered nurse was assaulted and received lacerations to her head and fracture of the fingers on her left

hand, which resulted in a permanent disability. Her assailants were never identified. There was no claim for lost wages. Total ward $5,176.30 (pain and suffering $5,000).

2/88-823 A 23-year-old, single, unemployed male was murdered, and application was made by his father for burial expenses. The Board reduced the amount of compensation by one-third because of contributory actions of the victim. Total award $2,470.02.

2/88-824 A 14-year-old, single, male student was sexually assaulted and suffered mental trauma. His assailant was charged and convicted under Section 246(1)(a) of the Criminal Code and sentenced to seven years' imprisonment. Total award $6,000 (pain and suffering $6,000).

3/88-826 A 90-year-old, retired male was a victim of a robbery in which he received severe hematomas to the right and left forearms, abrasions around the mouth, and mental trauma. His assailant was charged and convicted under Section 303 of the Criminal Code and sentenced to three years in a penitentiary. Total award $1,000 (pain and suffering $1,000).

3/88-828 A 27-year-old, single, self-employed male businessman was the victim of a robbery in which he received facial and eye injuries. His assailants were charged and convicted under Section 303 of the Criminal Code and sentenced to two and one-half years' imprisonment. There was a claim for lost wages. Total award $2,576 (pain and suffering $2,000).

3/88-829 A 62-year-old, married, unemployed female was shot while driving her car and received a bullet wound to the lower left side with penetration of the right lung. Her assailant was charged and convicted under Section 204 of the Criminal Code. Total award $3,000 (pain and suffering $3,000).

3/88-830 A 28-year-old, unemployed male was assaulted by his girlfriend's son and received head injuries and two broken legs. His assailant was charged and convicted under Section 245.1(1)(a) of the Criminal Code and sentenced to 90 days' imprisonment. Total award $4,955 (pain and suffering $4,000).

3/88-832 A 23-year-old, single, male surgical supply salesman was assaulted and received lacerations and abrasions to his face and broken eyeglasses. His assailant was charged and convicted under Section 245.3 of the Criminal Code and fined $750 and one day imprisonment. There was a claim for lost wages. Total award $400 (pain and suffering $235).

3/88-833 A 23-year-old, single, male laborer was assaulted and received multiple fractures to the zygoma and nasal bones with lacerations. His assailant was charged and convicted under Section 245.2 of the Criminal Code and sentenced to six months' imprisonment with probation. Total award $3,070 (pain and suffering $3,000).

3/88-835 A 26-year-old, single, unemployed male was assaulted and received lacerations and abrasions to the face and chipped teeth. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and fined $500 and ordered to pay restitution. Total award $665 (pain and suffering $500).

4/88-840 A 9-year-old, female student was sexually assaulted and received mental trauma. Her assailant was charged and convicted under Section 246.1(1)(a) of the Criminal Code and placed on probation for two years. Total award $5,000 (pain and suffering $5,000).

4/88-843 A 27-year-old, single, female bookkeeper was sexually assaulted by her former boyfriend and suffered mental trauma. Her assailant was charged and convicted of two offences, Section 245.1(1)(b) and Section 246.1(1) of the Criminal Code and sentenced to 12 months on each charge concurrent. There was a claim for lost wages. The Board invoked a Section 25 of the Act and reduced the award by one-third because of the contributory actions of the victim. Total award $7,761 (pain and suffering $4,000).

4/88-844 A 25-year-old, single male, employed as a truss fabricator, was assaulted and received facial lacerations and bruises and blurred vision as well as a cut to his left finger with scarring. His assailant was charged and convicted under Section 245.1(1)(a) of the Criminal Code and sentenced to 18 months' imprisonment. There was a claim for lost wages. Total award $3,000 (pain and suffering $1,600).

4/88-845 A 20-year-old, single, unemployed male was assaulted and received lacerations and abrasions to the face and left knee. His two assailants were charged under Section 245 of the Criminal Code and placed on probation and/or absolute discharge. Total award $750 (pain and suffering $500).

4/88-848 A 26-year-old, single, unemployed male was stabbed and suffered multiple injuries to the chest wall puncturing the right lung. His assailant was charged under Section 222 of the Criminal Code but acquitted. The Board found the applicant to be the victim of a crime under

Section 245.2 of the Criminal Code and reduced the award by 50 per cent due to the contributory actions of the victim. Total award $2,825 (pain and suffering $2,500).

4/88-849 A 31-year-old, divorced, female homemaker was assaulted by another female and sustained facial injuries including a fracture of the left malar bone and suffered mental trauma. Her assailant was charged and convicted under Section 245(b) of the Criminal Code and sentenced to four months' imprisonment. Total award $3,480 (pain and suffering $3,000).

5/88-850 A 43-year-old, married, female homemaker and certified nursing assistant was assaulted by a resident of a nursing home and suffered sacro-iliitis. Her assailant was not charged due to his advanced years. However, the Board found the applicant to be a victim of crime under Section 245.1(1)(b) of the Criminal Code. There was no claim for lost wages. Total award $5,000 (pain and suffering $5,000).

5/88-851 A 29-year-old, married, female homemaker and part-time salesperson was sexually assaulted and received facial bruises and abrasions and suffered mental trauma. Her assailant was charged and convicted under Section 246.1 of the Criminal Code and sentenced to 30 months' imprisonment. Total award $8,270 (pain and suffering $8,000).

5/88-852 A 23-year-old, single female, employed as a clerk, was sexually assaulted and suffered mental trauma. Her assailant was charged and convicted under Section 246.2(a) of the Criminal Code and sentenced to a term of imprisonment. There was a claim for lost wages. Total award $13,507.39 (pain and suffering $8,000).

5/88-854 A 21-year-old, single, unemployed male was assaulted and received a fractured mandible and several broken teeth. His assailant was charged and convicted under Section 245.2(1) of the Criminal Code and sentenced to five months' imprisonment. Total award $8,170 (pain and suffering $3,000).

5/88-855 A 26-year-old, divorced, male member of the Canadian Armed Forces was assaulted and received a laceration of the left forearm with a division of the radial nerve. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code, was fined $150 and sentenced to one day imprisonment. Total award $2,543 (pain and suffering $2,000).

5/88-856 A 22-year-old, single, unemployed male received a gunshot wound to the neck with residual stiffness of the right shoulder. He has a

permanent scar. His assailant was charged under Section 228 of the Criminal Code but convicted under Section 245.1 of the Criminal Code and sentenced to four months' imprisonment. The Board invoked Section 25 of the Act and reduced the award by 50 per cent due to the contributory actions of the victim. Total award $3,850 (pain and suffering $3,000).

5/88-857 A 29-year-old, married, unemployed male was assaulted and received lacerations to his face and head contusions. His assailant was charged and convicted under Section 245.1(1)(a) of the Criminal Code. Total award $844 (pain and suffering $750).

5/88-858 A 25-year-old, single, unemployed male was assaulted and received facial lacerations and contusions as well as dental injuries. His assailant was never identified. Total award $3,020 (pain and suffering $1,000).

5/88-859 A 31-year-old, single, female housekeeper was assaulted by a male acquaintance and received a broken nose. Her assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and placed on probation. There was a claim for lost wages. Total award $1,525 (pain and suffering $1,400).

6/88-862 A 24-year-old, single, male student and part-time referee was assaulted in the latter capacity by a hockey player and received lacerations and an abrasion to his face including an undisplaced fracture of the nasal bones, which chipped teeth. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and sentenced to 30 days' intermittent imprisonment. There was a claim for lost wages. Total award $4,926.20 (pain and suffering $1,500).

6/88-863 A 37-year-old, single female, employed as a bank teller, was the subject of an armed robbery at her place of work and suffered mental trauma. The assailant was charged and convicted under Section 302(d) of the Criminal Code and sentenced to imprisonment. There was no loss of wages. Total award $3,030 (pain and suffering $3,000).

6/88-864 A 23-year-old, single, male laborer was stabbed in the leg and received a severe laceration with residual scarring. His assailant was charged and convicted and sentenced to 20 months' imprisonment under Section 85 of the Criminal Code. There was a claim for lost wages. The Board invoked Section 25 of the Act and reduced the award by one-third because of the contributory actions of the victim and his character and way of life. Total award $991.24 (pain and suffering $666.67).

6/88-865 A 27-year-old, single, female secretary was assaulted and received lacerations and abrasions to her face with displacement of an orthodontic device. Her assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code. There was a claim for lost wages. Total award $4,702 (pain and suffering $3,000).

6/88-868 A 50-year-old, separated, male heavy-equipment operator was assaulted by being stabbed and received a wound to the chest. His assailant was charged and convicted under Section 245.2(2) of the Criminal Code and sentenced to two years' probation. There was a claim for lost wages. Total award $1,619 (pain and suffering $1,250).

6/88-870 A 24-year-old, single, male autobody mechanic was assaulted and received fractures of the mandible and symphysis menti. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and was fined $100 and placed on one years' probation. There was a claim for lost wages. Total award $2,906 (pain and suffering $2,500).

6/88-873 A 10-year-old, female student was sexually assaulted by her stepfather and suffered mental trauma. Her assailant was charged and convicted under Sections 157 and 246.1(1)(a) of the Criminal Code and sentenced to consecutive terms of three months and six months respectively. Total award $6,150 (pain and suffering $6,000).

6/88-874 A 36-year-old, divorced, female secretary, the mother of the applicant of file 6/88-873, suffered mental trauma due to the crimes against her daughter, and was found to be a victim under Section 246.1(1)(a) of the Criminal Code. Total award $2,000 (pain and suffering $2,000).

6/88-877 A 33-year-old, married, female housekeeper suffered mental trauma when her residence was struck by a bullet. A young offender was subsequently charged and convicted under Section 84(2) of the Criminal Code. Total award $2,020 (pain and suffering $2,000).

6/88-878 A 20-year-old, single, female waitress was assaulted and received abrasions and lacerations to her face with involvement of the temporomandibular joint. Her assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and sentenced to one year probation. There was a claim for lost wages. Total award $2,975 (pain and suffering $1,500).

7/88-879 A 27-year-old, single, unemployed male was assaulted and received facial abrasions and lacerations with a residual scar on his left

chin. His assailant was charged and convicted under Section 245.1(1)(a) of the Criminal Code and fined $500. Total award $2,582 (pain and suffering $2,500).

7/88-881 A 17-year-old, single, male student was assaulted, being cut with a knife on his hand and face with residual scarring. A young offender was charged and convicted under Section 245.1(1)(a) of the Criminal Code and sentenced to six months' imprisonment. The Board reduced the award by 20 per cent due to the contributory actions of the victim. Total award $400 (pain and suffering $400).

7/88-883 A 24-year-old, single, unemployed female was sexually assaulted and received multiple lacerations and abrasions and suffered mental trauma. Her assailant was charged and convicted under Sections 243.4(1)(a) and 246.1(1)(a) of the Criminal Code and sentenced to five years' imprisonment. Total award $6,118 (pain and suffering $6,000).

7/88-884 A 17-year-old, single, male student was assaulted and received lacerations and abrasions to the face and a broken tooth. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code. Total award $765 (pain and suffering $200).

7/88-886 A 23-year-old, single, male security officer was assaulted and received a fractured mandible and required the extraction of four teeth. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and fined $500. There was a claim for lost wages. Total award $7,141 (pain and suffering $3,000).

7/88-887 A 30-year-old, single, male handyman was assaulted and received facial abrasions and lacerations with broken teeth and dentures. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and sentenced to two years' imprisonment. There was a claim for lost wages. Total award $4,061.37 (pain and suffering $1,500).

7/88-888 A 23-year-old, single, male student was assaulted and received a fractured skull which has resulted in short-term memory loss and susceptibility to seizures. One of two assailants committed suicide and the other was charged and convicted under Section 303 of the Criminal Code and sentenced to five years' imprisonment. There was a claim for lost wages. Total award $19,750 (pain and suffering $15,000).

8/88-894 A 29-year-old, single, unemployed female was sexually assaulted by her natural father and suffered mental trauma. Her assailant

was charged and convicted under Section 150 of the Criminal Code and sentenced to three years' imprisonment. Total award $8,050 (pain and suffering $8,000).

8/88-896 A 14-year-old, male student, the son of the applicant in 12/87-794, was sexually assaulted and suffered mental trauma. Total award $5,000 (pain and suffering $5,000).

8/88-897 A 13-year-old, male student, brother of 8/88-896, was also sexually assaulted and suffered mental trauma. Total award $5,000 (pain and suffering $5,000).

8/88-900 A 17-year-old, single, male clerk was assaulted and received a fractured mandible accompanied by facial lacerations and abrasions and interference with some teeth and the temporomandibular joint. His assailants were never identified. There was a claim for lost wages. Total award $6,909 (pain and suffering $2,500).

8/88-901 A 34-year-old, divorced, female taxi driver was held up at knife point and suffered mental trauma. Her assailant was never identified. There was a claim for lost wages. Total award $1,900 (pain and suffering $1,500).

8/88-904 A 50-year-old, married, male convenience store owner was assaulted while attempting to apprehend an offender of the law and received two superficial stab wounds and suffered mental trauma. His assailant was charged and convicted under Section 245.2 of the Criminal Code and sentenced to seven years' imprisonment. Total award $2,500 (pain and suffering $2,000).

8/88-906 A 24-year-old, single, male truck driver was assaulted and received a three-inch laceration to his forehead and other abrasions and lacerations to his body. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code. There was a claim for lost wages. Total award $3,000 (pain and suffering $2,500).

8/88-907 A 19-year-old, single, male door-to-door salesman was assaulted and received a compound nasal fracture with abrasions and lacerations about the head. He has a slight residual scar. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and placed on probation. There was a claim for lost wages. Total award $1,645.80 (pain and suffering $500).

8/88-908 A 29-year-old, married, male member of the Royal Canadian Mounted Police was involved in a shooting incident by attempting to apprehend an offender of the law and suffered mental trauma. Total award $6,500 (pain and suffering $6,500).

8/88-913 A 14-year-old, female student was sexually assaulted by her stepfather and suffered mental trauma. Her assailant was charged and convicted under Section 246.1(1)(a) of the Criminal Code and sentenced to 12 months' imprisonment. Total award $7,330 (pain and suffering $7,000).

8/88-914 A 35-year-old, married, male member of the Royal Canadian Mounted Police was assaulted while effecting the arrest of an offender of the law and received an eye injury, which subsequently resulted in the removal of his eye. He also experienced mental trauma. There was a claim for lost wages. Total award $14,000 (pain and suffering $12,000).

9/88-916 A 17-year-old, male high school student was assaulted and received a double fracture of the lower jaw. His assailant was charged and convicted under Section 245.1(1) of the Criminal Code and fined $506.50. Total award $2,965.96 (pain and suffering $2,250).

9/88-917 A 26-year-old, single, male laborer was assaulted and received severe lacerations and abrasions about the face. His assailants were charged and convicted under Section 245.1(1)(b) of the Criminal Code and both sentenced to fines of $500. There was a claim for lost wages. Total award $952 (pain and suffering $500).

9/88-923 A 38-year-old, married, male member of the Halifax Police Department was injured while effecting the arrest of an offender of the law and received a fracture of the right finger. The assailant was charged and convicted under Section 246.1(a) of the Criminal Code. There was a claim for lost wages. Total award $3,166 (pain and suffering $2,000).

9/88-925 An 11-year-old, male student was assaulted and robbed and experienced mental trauma. His assailant was charged and convicted under Section 303 of the Criminal Code and sentenced to a term of imprisonment. Total award $250 (pain and suffering $250).

9/88-930 A 30-year-old, single, male apprentice electrician was assaulted and received abrasions to the face and extensive dental injury. The Board made an interim award of $3,653 for necessary dental care pending the conclusion of criminal proceedings against the assailants.

10/88-937 A 17-year-old, single, unemployed male was assaulted and received a fracture of the left maxilla and zygoma. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and sentenced to six months' imprisonment. Total award $2,015.13 (pain and suffering $2,000).

10/88-939 A 9-year-old, male student, the brother of victims' files 8/88-896 and 897, was sexually assaulted and suffered mental trauma. Total award $3,000 (pain and suffering $3,000).

10/88-940 A 22-year-old, married, female homemaker was sexually assaulted as a child by her uncle and suffered mental trauma. The assailant was charged and convicted under Sections 144(a), 150(2), 245.1(1)(a) of the Criminal Code and received a total of six years' imprisonment. Total award $8,000 (pain and suffering $8,000).

10/88-942 A 16-year-old, single, unemployed female, the sister of the applicant in file 10/88-940, was also sexually assaulted by her uncle and received mental trauma. Her assailant was charged and convicted under Section 246.1(1)(a) of the Criminal Code. Total award $6,000 (pain and suffering $6,000).

10/88-943 A 55-year-old, divorced, male businessman was shot and received wounds to the chest with damage to the right lung and artery. His assailant committed suicide before being brought to trial on a charge under Section 222 of the Criminal Code. Total award $8,753.75 (pain and suffering $8,000).

10/88-948 A 36-year-old, married, female homemaker, who at the time was separated from her husband, was assaulted by him and received life-threatening injuries with hypothermia. Her assailant was charged and convicted under Section 245.2 of the Criminal Code and sentenced to 90 days' intermittent imprisonment. Total award $6,085 (pain and suffering $6,000).

10/88-949 A 17-year-old, single, male laborer was assaulted and received facial abrasions and fractured teeth. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and placed on probation. There was a claim for lost wages. Total award $1,452 (pain and suffering $500).

10/88-951 A 25-year-old, single, female hotel worker was sexually assaulted and suffered mental trauma. Her assailant was charged and

convicted under Section 246.2(a) of the Criminal Code and sentenced to six years' imprisonment. There was a claim for lost wages. Total award $10,031.21 (pain and suffering $7,000).

10/88-952 A 20-year-old, single, male clerk was assaulted and received facial bruises and abrasions and a fractured nose. His assailants were never identified. There was a claim for lost wages. Total award $1,640 (pain and suffering $1,500).

11/88-957 A 28-year-old, single, male businessman was assaulted and received facial injuries, an undisplaced fracture of the nose, and dental injuries. Two assailants were charged and convicted under Section 245.1(1)(b) of the Criminal Code, one sentenced to two months' imprisonment and the other to a $200 fine. There was a claim for lost wages, which was not granted. Total award $1,787 (pain and suffering $1,250).

11/88-961 A 30-year-old, married, female office worker was sexually assaulted by her former boyfriend and suffered a fractured nose and mental trauma. Her assailant was charged and convicted under Section 245.1(1)(b) and Section 246.1(1)(a) of the Criminal Code and sentenced to imprisonment. There was a claim for lost wages. Total award $7,832 (pain and suffering $7,000).

11/88-966 A 43-year-old, single, male security guard was assaulted and received a blow-out fracture to the orbital floor of the face with residual scarring. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and sentenced to one year's imprisonment. There was a claim for lost wages. Total award $1,435 (pain and suffering $1,200).

12/88-974 A 27-year-old, divorced, unemployed female was sexually assaulted by a former boyfriend and suffered mental trauma. Her assailant was charged and convicted under Section 246.2(a) of the Criminal Code and sentenced to four years' imprisonment. Total award $5,216 (pain and suffering $5,000).

12/88-975 A 21-year-old, single, male university student and part-time waiter was assaulted and received facial injuries with broken teeth. His assailant was never identified. Total award $6,510 (pain and suffering $1,000).

12/88-978 A 63-year-old, married, retired male was assaulted by a drinking companion and received severe lacerations about the head and neck with mental trauma. His assailant was charged and convicted under

Section 245.2(2) of the Criminal Code and sentenced to one day's imprisonment and probation. Total award $635 (pain and suffering $500).

1/89-988 A 25-year-old, single, male geologist was assaulted and received a blow-out fracture of the left orbit. His assailant was never identified. There was a claim for lost wages. Total award $1,528.28 (pain and suffering $1,000).

SUMMARY OF DISMISSED APPLICATIONS

1/88-808 A 36-year-old, married, male laborer was assaulted and received lacerations to the face. His assailant was charged under Section 303 of the Criminal Code but found guilty of the included offence of assault and received a suspended sentence with probation. The Board found that the victim was not injured to the minimum extent of $250 and hence no compensation was awarded.

4/88-841 A 51-year-old, married, male building superintendent claimed mental trauma as a result of a fire in the building which he supervised. The Board ruled that there was insufficient evidence presented before it to find the commission of a crime for which compensation could be awarded.

8/88-899 A 34-year-old, single, female auto dispatcher received an injury to her buttocks which required suturing and caused mental trauma. The Board was unable to determine that the injury had been received as the result of the commission of a crime and, therefore, no compensation was awarded.

8/88-910 A 46-year-old, married, female, wife of the subject of file 4/88-841, also claimed mental trauma from the same circumstances as her husband. The Board was unable to determine that a criminal offence had been committed and hence no compensation was awarded.

10/88-935 A 64-year-old, single, unemployed female claimed facial lacerations and abrasions and broken teeth as the victim of an assault. The Board was unable to determine that the victim had, in fact, been a victim of an assault but, rather, may have received her injuries by accident while intoxicated. Therefore, no compensation was awarded.